

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

DERICK EDWARDS,

Plaintiff,

v.

Case No: 2:19-cv-711-SPC-NPM

CITY OF FORT MYERS,  
RANDY HENDERSON, SEAN  
HAVENNER, GUILLERMO  
MONMANY, JAMES  
HEUGLIN, BRIAN RHOTON,  
ARTURO GONZALEZ, JR. ,  
LEE COUNTY, CARMINE  
MARCENO, DERRICK DIGGS  
and MARK MALLARD,

Defendants.

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**ORDER**<sup>1</sup>

Plaintiff Derek Edwards is an inmate at Tomoka Correctional Institution litigating this civil rights action *pro se* and *in forma pauperis*. He sues Fort Myers Police Officer Sean Havenner in his individual and official capacities for constitutional violations. He initially sued Havenner in his official capacity only. ([Doc. 1](#)). Attorneys for the City of Fort Myers entered appearances for

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Havenner in his official capacity. (Doc. 79). Edwards then amended the complaint to sue Havenner in his individual capacity. (Doc. 92).

The record lacks any proof of service showing that Officer Havenner was served with the operative pleading. (Doc. 134). This is problematic because Havenner is not yet represented in his individual capacity. (Doc. 135). What is more, the City of Fort Myers has advised that Havenner no longer works for its police department. (Doc. 135). However, because it appears Edwards cannot provide a current service address for Havenner, the Court will enlist the help of the City of Fort Myers—his alleged former employer—recognizing that counsel for the City has already entered an appearance for Havenner in his official capacity.


Accordingly, it is now

**ORDERED:**

1. The City of Fort Myers is **DIRECTED**, on or before **May 24, 2021**, to
  - a. inform the United States Marshals Service in Fort Myers, Florida **in confidence** of the last known address of Defendant Sean Havenner and notify the Court in writing it has done so;
  - b. enter an appearance on behalf of Havenner in his individual capacity; or
  - c. notify the Court that neither alternative is possible.

2. The United States Marshals Service must protect the confidentiality of any address provided by the City of Fort Myers as required by Florida law and must not disclose any such information on any document filed with the Court.

**DONE** and **ORDERED** in Fort Myers, Florida on May 3, 2021.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record